

85th Legislative Session – 2010

Committee: House Local Government

Tuesday, February 09, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Bolin
P Cronin
P Curd
P Feickert
P Frerichs
P Lederman
P Olson (Betty)
P Rausch, Vice-Chair
P Romkema
P Rounds
P Solberg
P Vanderlinde
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Kirekeby.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 4, 2010

Moved by: Rounds
Second by: Rausch
Action: Prevailed by voice vote.

HB 1174: authorize an increase in the compensation for members of the board of directors of water user districts.

Presented by: Representative Jamie Boomgarden
Proponents: Bob Riter, SD Rural Water District
Drew Duncan, BY Water District

MOTION: DEFER HB 1174 TO THE 41ST LEGISLATIVE DAY

Moved by: Rounds

Second by: Rausch

Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Curd, Olson (Betty), Rausch, Romkema, Rounds, Solberg, Vanderlinde

Voting No: Bolin, Cronin, Frerichs, Lederman, Kirkeby

Excused: Feickert

HB 1227: establish certain road maintenance responsibilities for townships.

MOTION: DEFER HB 1227 UNTIL ANOTHER DAY

Action: Was not acted on.

HB 1239: establish certain procedures for counties to follow when requiring landowners to cut and remove grass, weeds, and brush from the road right-of-way.

Presented by: Representative Justin Cronin

Proponents: Bob Wilcox, SD Association of County Commissioners
Mitch Richter, SD Invasive Species Management Assn.

MOTION: AMEND HB 1239

1239fa

On page 1, line 10, of the printed bill, delete "county road" and insert "secondary road located within an unorganized township".

Moved by: Rausch

Second by: Curd

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1239 AS AMENDED

Moved by: Rausch

Second by: Rounds
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Bolin, Cronin, Curd, Lederman, Olson (Betty), Rausch, Romkema, Rounds, Solberg, Vanderlinde, Kirkeby

Excused: Feickert, Frerichs

HB 1241: establish an additional time period during which fireworks may be sold and discharged.

Presented by: Representative Dan Lederman
Proponents: Don Lantis, Self, N. Sioux City (Handout #1)
Dennis Anderson, Self, Vermillion

MOTION: DO PASS HB 1241

Moved by: Olson (Betty)
Second by: Lederman
Action: Prevailed by roll call vote. (11-1-1-0)

Voting Yes: Bolin, Cronin, Curd, Frerichs, Lederman, Olson (Betty), Romkema, Rounds, Solberg, Vanderlinde, Kirkeby

Voting No: Rausch

Excused: Feickert

HB 1196: establish a certain distance from the municipality's corporate limits in which the municipality has planning and zoning authority.

Proponents: Bob Wilcox, SD Association of County Commissioners
Dave Hazeltine, Custer County Commissioner
David Green, Custer (Handouts: #2)

Opponents: Jim Hood, Municipal League, SD

MOTION: AMEND HB 1196

1196fa

On page 1 of the printed bill, delete lines 4 to 15, inclusive, and insert:

"

Section 1. That chapter 11-6 be amended by adding thereto a NEW SECTION to read as follows:

Each municipality may exercise extraterritorial platting authority pursuant to Title 11, but within a certain distance from its corporate limits as established by this section. The distances are as follows:

- (1) Each first class municipality may establish extraterritorial platting authority within three miles of its corporate limits;
- (2) Each second class municipality may establish extraterritorial platting authority within one mile of its corporate limits; and
- (3) Each third class municipality may establish extraterritorial platting authority within one-half mile of its corporate limits.

Section 2. That § 11-6-26 be amended to read as follows:

11-6-26. After the city council governing body of any municipality has adopted a comprehensive plan that includes ~~at least a major street plan or has progressed in its comprehensive planning to the stage of making and adopting a major street plan;~~ and has filed a certified copy of the major street plan in the office of the register of deeds of the county in which the municipality is located, no plat of a subdivision of land lying within the municipality, or of land within ~~three miles of its corporate limits~~ the distance of the municipality's corporate limits as defined in section 1 of this Act and not located in any other municipality, may be filed or recorded unless the plat has the recommendation of the designated county planning authority and the city planning and zoning commission and the approval of the city council governing body of the municipality. As an alternative, the plat may be reviewed and approved in accordance with § 11-3-6. This provision applies to land within ~~three miles of the corporate limits of the municipality~~ the distance of the municipality's corporate limits as defined in section 1 of this Act and not located in any other municipality only if the comprehensive plan ~~or~~ and major street plan includes such land. However, if such ~~extra extraterritorial~~ municipal land lies within ~~three miles~~ the extraterritorial platting authority of more than one ~~first or second class~~ municipality, the jurisdiction of each municipality terminates at a boundary line equidistant from the respective corporate limits of the municipalities, unless otherwise agreed to by a majority vote of the governing body of each such municipality. The plats shall, after report and recommendations of the designated county planning authority and the city planning and zoning commission are made and filed, be approved or disapproved by the city council governing body of the municipality or reviewed and approved in accordance with § 11-3-6. The designated county planning authority and the city planning and zoning commission shall make its ~~recommendation~~ recommendations to the council governing body of the municipality within sixty days of submission."

Delete page 2.

On page 3, delete lines 1 to 11, inclusive.

Moved by: Frerichs
Second by: Feickert
Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Cronin, Feickert, Frerichs, Olson (Betty), Rounds, Kirkeby

Voting No: Bolin, Curd, Lederman, Rausch, Romkema, Solberg, Vanderlinde

MOTION: DEFER HB 1196 TO THE 41ST LEGISLATIVE DAY

Moved by: Rausch
Second by: Lederman
Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Bolin, Cronin, Curd, Lederman, Rausch, Romkema, Kirkeby

Voting No: Feickert, Frerichs, Olson (Betty), Rounds, Solberg, Vanderlinde

MOTION: RECONSIDER HB 1174

Moved by: Rounds
Second by: Frerichs
Action: Failed by roll call vote. (4-9-0-0)

Voting Yes: Feickert, Frerichs, Rounds, Kirkeby

Voting No: Bolin, Cronin, Curd, Lederman, Olson (Betty), Rausch, Romkema, Solberg, Vanderlinde

MOTION: ADJOURN

Moved by: Olson (Betty)
Second by: Lederman
Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Mark Kirkeby, Chair